

NH Dredge Management Task Force Meeting Minutes – January 14, 2009

The meeting was held on Wednesday, January 14, 2009 from 1:00 PM to 3:00 PM at the Department of Environmental Services/New Hampshire Coastal Program Office, 50 International Drive, Pease Tradeport, Portsmouth, NH.

Introductions/Announcements - Chairman Chris Williams asked members to introduce themselves. The list of attendees follows.

Attending members in alphabetical order:

Collis Adams, Department of Environmental Services (DES) Wetlands Bureau
Mark Habel, U.S. Army Corps of Engineers (ACOE)
Richard Holt Jr., Moran Towing Corp.
Michael Johnson, National Marine Fisheries Service (NMFS)
Eric Nestler, Normandeau Associates
Cheri Patterson, NH Fish & Game Department (NHF&G)
Frank Richardson, DES Wetlands Bureau
Fred Short, UNH Jackson Lab
Michael Sills, DES Waste Management Division
Carson Smith, Senator Jean Shaheen
Michael Walsh, ACOE
Larry Ward, University of New Hampshire (UNH)
Dori Wiggin, DES Wetlands Bureau

Guests:

Shachak Peeri, UNH
Ru Morrison, UNH

Staff:

Chris Williams, Chairman, NH Coastal Program (NHCP)
Mary Power, NHCP

Legislative update - Chairman introduced Carson Smith of Senator Shaheen's office and asked him to give the members an update on the news from the Senator's office. Smith said Senator Shaheen was sworn into office on January 3rd so they are still just getting up to speed. She currently has eight staff members but will be opening new offices and hiring more staff in the coming weeks. He stated that the Senator plans to open an office in the seacoast area sometime near the beginning of February. He stated that he would work from the seacoast office. Chairman Williams then asked Mark Habel, ACOE, if he had any updates on legislative related issues. Habel said a number of the states have begun to schedule the Fiscal Year (FY) 2010 budget meetings with their delegation staff. There are rumors of a federal stimulus package, but no one knows for sure how it will work. He suggested that NH contact the ACOE and its delegation soon to schedule the FY2010 meeting. Chairman said NH will be in contact with the ACOE and Congressional delegation in the near future.

Status of Regional Dredge Material management Plan Chairman Williams reminded members that NH's number one priority project for FY'09 was the completion of the regional dredge material management plan, (DMMP) which is comprised of two components. The first involves completion of Phase II of the Comprehensive Upland Dredge Material Disposal Study. Phase I of the study was completed in 2005. The second component of the DMMP involves an offshore disposal site designation study. New Hampshire's primary offshore dredge material disposal site, the Cape Arundel disposal site (CADS), is scheduled to close in January 2010. It is the only practicable offshore disposal site for the placement of clean dredge material from NH's rivers and harbors. Failure to identify a suitable upland disposal site or an offshore disposal site will leave NH with no place to dispose of clean dredge material that cannot be used for beach nourishment.

Chairman Williams continued by saying that in October 2008 Senators Gregg and Sununu drafted a letter to the ACOE requesting \$159,000 from the ACOE budget to complete the Upland Disposal Study and \$100,000 to begin scoping for the offshore disposal site designation study. The ACOE responded in December 2008 stating that it doesn't have the money for either study. Chairman stated that the DMMP will likely remain a top priority for NH and will be discussed at the FY2010 meeting with the ACOE and Congressional delegation.

Chairman Williams then referred to a meeting he attended in early December 2008 with members of the ACOE, EPA and the Maine Coastal Program to discuss CADS. Like New Hampshire, the state of Maine is interested in keeping CADS open past the January 2010 closure deadline. While NH's use of the site has been limited to a few relatively large projects, Maine uses the site more frequently for smaller dredging projects. Based on discussions at the December 2008 meeting, it appears that Maine may pursue legislative options to keep CADS open until its capacity is reached. One of the options that Maine may pursue would be to limit disposal at CADS to "small" projects from Maine and southern NH. This would ensure that the remaining capacity at CADS isn't consumed by a single large dredging project. Fred Short of UNH asked if CADS has the capacity to accommodate dredged material from the Piscataqua River Turning Basin Improvement project. Chairman stated that while the estimated remaining capacity at CADS is approximately 200,000 cubic yards, the estimated volumes from the Turning Basin project range from 200,000 to 800,000 cubic yards. Until the ACOE selects a preferred alternative, the exact volume of material will remain unknown. He also stated that it appears that a significant amount of the material from the project would be clean sand or ledge that could be used for beach nourishment or construction of artificial reefs.

Project Updates

■ *Piscataqua River Turning Basin Feasibility Study, Including Disposal Alternatives* - Mark Habel of ACOE stated that ACOE has completed their field investigations. They have also identified design alternatives based on the size and draft of the various vessels that may utilize the basin. Analysis of this information will take place over the next six to nine months, and he intends to have a draft feasibility report submitted to the state and to the ACOE Division Office in New York by the end of the calendar year. He noted that the ACOE is still on schedule and on budget with the state of NH providing half the funds for the feasibility study. He continued by saying that the estimated volume of material to be dredged is approximately 600,000 cubic yards. The majority of the material appears to be compact sandy till which would be suitable to place off shore to serve as a feeder berm for one of NH's coastal beaches. It appears that a small

portion of the material is ledge or stony till that may be used to create reef habitat. The total volume of material won't be known for certain until the ACOE begins the design phase. Chairman asked whether the September 2008 field investigation to look at eelgrass took place. Fred Short from UNH stated that using underwater cameras, a couple of patches of eelgrass were located on the northeast side of the project area. He also stated that there are areas of suitable eelgrass habitat on the eastern side of the project area that may be impacted depending on the alternative selected.

Mike Walsh, ACOE, asked Dr. Short to speak about the current status of eelgrass habitat in the Great Bay Estuary. Dr. Short stated that according to a survey conducted in the summer of 2008, eelgrass within the estuary is not doing well. He stated that since 2004 eelgrass beds have declined quite rapidly. In fact, there are a number of areas where eelgrass was documented in 2007 but not in the 2008 survey. He stated that he continues to monitor the presence and abundance of eelgrass in the estuary and will be releasing a report with his findings in early 2010. Frank Richardson, DES Wetlands Bureau, asked Dr. Short for recommendations to protect eelgrass. Dr. Short stated that improving water quality by reducing the nitrogen discharging into the estuary would greatly improve eelgrass habitat. He continued by saying that the declining water quality and subsequent loss of eelgrass habitat is occurring throughout the estuarine system, not just in the Piscataqua River. Mike Johnson, NMFS, asked Dr. Short if he could identify the major contributors to nitrogen discharges to the system. Dr. Short stated that wastewater treatment plants and atmospheric nitrogen are the largest sources. He also added that while stormwater runoff entering the system decreases water clarity, which limits eelgrass growth and propagation, nitrogen is the largest contributor to the problem. Chair asked if the ACOE has updated its plans to reflect the location of the eelgrass that was found during the September 2008 survey. Mr. Habel stated that the plans will be updated accordingly.

Referring to Mr. Habel's prior comment that the estimated volume of material to be dredged is approximately 600,000 cubic yards, Richard Holt Jr. of Moran Towing asked if the ACOE had selected a preferred alternative with regard to the size and configuration of the turning basin. Mr. Habel stated that it had not. The 600,000 cubic yard figure is merely an estimate based on the different alignment options. Mr. Habel stated that an economic analysis and additional research on the types of vessels that will likely use the basin must be performed before the ACOE will select a preferred alternative. Discussion followed.

■ *Cocheco River Maintenance Dredge* - Chairman asked Mike Walsh of the ACOE to provide and update on the project. Mr. Walsh stated that they are in a holding pattern right now but they going to try to renegotiate the contract given the fact that fuel prices have dropped. He stated that there is the potential for a Congressional appropriation for FY 2010. He stated that the City of Dover is in favor of completing the dredging now with the money that the ACOE currently has available and using any additional Congressional money to pay remaining user fees to the City and to close the disposal facility. Chairman asked how much money is currently available. Mr. Walsh stated that \$1.8 million is currently available. This is enough to complete the dredging work but not enough to administer the contract or pay the City for disposal fees. Mr. Walsh stated that if additional federal money is not made available no more dredging will occur. The ACOE will use the current \$1.8 million to pay the City's user fees and close the disposal facility.

■ *Hampton Section 107 Feasibility Study Report & Future of Half-Tide Jetty* - Mark Habel, ACOE, stated that the draft feasibility study report will be complete by the end of January. Once completed it must be reviewed internally within the ACOE's District Office and then sent to, the Division Office in New York for review and comment. Once the District Office responds to comments, the report is returned to the Division Office for approval and release to the sponsor (Pease Development Authority – Division of Ports and Harbors) and the public and to begin the state regulatory review process. Mr. Habel stated that this will happen this quarter.

Chairman then spoke about a discussion that took place at the September 2008 Dredge Management Task Force (DMTF) meeting regarding the Half-Tide Jetty. It was stated that the ACOE would submit specifications to the state for repairing the jetty. Mark Habel, ACOE, said the state constructed the jetty so he assumes the state has the original plans, which could be used to determine the original specifications of the jetty. He stated that the ACOE would like to see the jetty repaired not only because it was a requirement of the 1964 project but because he believes that a significant amount of the material entering the channel and inner harbor comes through the half-tide jetty. As a result, the ACOE would like the jetty repaired to its original elevation to prevent material from entering channel and inner harbor. He stated that the ACOE's feasibility study report, which will be forwarded to the Division Office for review, will recommend that the state repair the jetty, however, it will not require it as a condition of the ACOE's decision to assume the responsibility for dredging the inner anchorages. Mr. Habel stated, however, that after review of the report the District Office may impose such a requirement.

■ *Sagamore Creek Maintenance Dredge* – Mike Walsh, ACOE, stated that they have completed the benthic sampling of the Wallis Sands disposal site, and the identification process is approximately 75% complete. The next step is to issue a public notice. This will occur within the next two months. Discussion followed on the public notice procedure. Mr. Walsh stated that the public notice process is essentially a fact-finding exercise. The ACOE uses information gathered during the public notice process, in part, to develop an Environmental Assessment (EA). He stated that he anticipates release of the EA by the end of 2009 if funds become available. He stated that the timing of the project will depend on the availability of funding. He also stated that because of the age of the existing eelgrass survey, a new/updated survey may be required. Discussion followed.

Richard Holt, Moran Towing, asked how the ACOE prioritizes projects. He pointed out that there are many more boats, particularly commercial boats, using Sagamore Creek than the Cocheco River, which was recently dredged. He also added that there are a few spots in Sagamore Creek that are virtually impassible. Mike Walsh, ACOE stated that the availability of funding dictates the process. He also stated that the current (Bush) administration's priorities are not geared towards recreational or small commercial vessels. As a result, many of NH's dredging projects rely upon Congressional appropriations. This is how the Cocheco river project was funded and is likely how the Sagamore Creek project will be funded. Discussion followed. Chairman Williams reminded members that the Sagamore Creek project was one of the state's four priority projects for FY 2009. However, unlike the Piscataqua River Turning Basin Improvement Project and the Hampton Harbor Section 107 Feasibility Study, which were also priority projects, funding for the Sagamore Creek maintenance dredging project was not recommended at the Congressional committee level. Chairman stated that when the NH Coastal Program and the PDA-DPH meet with the ACOE and the Congressional delegation next month to prioritize projects for FY 2010 funding, Sagamore Creek will likely remain a priority.

■ *Piscataqua River “Simplex Shoal” Maintenance Dredge* - Mike Walsh of the ACOE read a prepared statement by Bill Kavanaugh the project manager at the ACOE. The statement referred to a working group meeting in September 2008 that included staff from the ACOE, NHCP and NH Fish & Game Department (NHF&G). At the meeting, the group came to a preliminary consensus on future use of the in-river disposal sites and time of year restrictions. The statement also indicated that because the proposed in-river disposal sites straddle the NH/ME border in the Piscataqua River, the project was discussed at the recent Maine Dredging Team meeting in October 2008. The ACOE’s next steps include updating the Environmental Assessment, issuing a public notice, and submitting applications for the proposed dredging work to the states of NH and Maine. The ACOE will likely pursue long-term permits from the states.

Chairman added that the September 2008 meeting included staff from NHCP, PDA-DPH, NHF&G, the ACOE, EPA, and NMFS who gathered to discuss the Simplex Shoal project. The sand shoal, which forms approximately every six to eight years on the NH side of Piscataqua River, near the former Simplex terminal, poses a safety concern for the large vessels that transit the river. The primary debate with the project has been where to dispose of the clean sand that forms the shoal. The last few times the shoal has been dredged, the material has been disposed of in a deep spot in the river, in Maine waters. Both NHF&G and NMFS have expressed concerns about in-river disposal. As a result, in-river disposal was the primary focus of the September 2008 meeting. The issue of advanced maintenance dredging was also discussed in detail at the meeting. Advanced maintenance dredging is a practice that would allow the ACOE to dredge deeper than normally authorized. For example, the authorized depth of the federal channel in the Piscataqua River is 35 feet. Advanced maintenance dredging would potentially allow the ACOE to dredge to 40 feet plus a 1-2 foot allowable over dredge. In theory, if an area like the Simplex Shoal is dredged to a deeper depth, it will take longer for the shoal to reform and, therefore, result in less frequent dredging. For the Simplex Shoal, it is anticipated that advanced maintenance dredging may result in the shoal requiring dredging every 10-12 years as opposed to 6-8 years. NHF&G encouraged the ACOE to pursue advanced maintenance dredging as a means of minimizing impacts to fish and shellfish resources.

At the meeting, NHF&G also raised concerns about the migration of lobsters out of the river during dredge window period (November 15 – March 15). NHF&G was particularly concerned with the potential impacts dredging may have on lobsters migrating during the month of November. As a result, a modification of the dredge window was discussed. ACOE staff agreed to modify the dredge window to exclude dredging in November.

Chairman confirmed that he and Mr. Kavanaugh of the ACOE met with the Maine Dredging team in October 2008 to discuss the project, particularly the likelihood that dredged material would be deposited in-river, in Maine state waters. Discussion followed.

Mike Johnson, NMFS, said if there is going to be a long-term dredging permit granted then there should also be a long-term consultation agreement established. He stated that this will take some time develop. Discussion followed regarding the fact that even when the dredged material was taken out of the river system, the shoaling happened again at the same pace. Options other than in-river disposal were then briefly discussed. Richard Holt, Moran Towing, stated that Granite State Minerals is looking for clean fill for a large property along the river. Chairman stated that he had spoken to the vice president of Granite State and that disposal at this site would be reviewed in more detail.

Other Business

■ Other items

Chairman asked if anyone had any additional items of interest.

Fred Short of UNH, inquired about the status of surveys that ACOE is conducting to assess the dredging needs of Rye and Little Harbors. Chair stated that he believes that the ACOE had recently completed surveys of both Rye Harbor and Little Harbor. He will follow-up with the ACOE.

Mike Johnson, NMFS, asked about the status of the Hampton Marina dredging project. Frank Richardson, NH Wetlands Bureau, stated that the ACOE does not believe that the project qualifies as a maintenance dredging activity. As a result, the marina owner will be likely be modifying the scope of the project to include only the inner boat basin, which will qualify as a maintenance dredging activity. He stated that he has not yet received the revised plan from the applicant's consultant, Gove Environmental Services, Inc. As soon as the revised plan is received, it will be reviewed and a permit issued. Chair asked if the maintenance dredging work will take place this dredge season (prior to March 15, 2009). Mr. Richardson stated that he believes it will as the marina owner has a contractor and a site for the dredged materials.

Mr. Holt, Moran Towing, asked if PSNH received a permit for the dredging currently taking place around the dock at Schiller Station, and if so, how deep will they be dredging. Dori Wiggin, DES Wetlands Bureau, stated that she issued an emergency permit for PSNH to dredge to 37.5 feet mllw to ensure that ships can safely dock at the facility. Discussion followed.

■ Schedule next DMTF meeting

The next meeting is scheduled for Wednesday April 8, 2009 at 1:30 PM at the DES Pease Office in Portsmouth.